IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3123 OF 2006

The State of Maharashtra.. ... Appellant

versus

Ravindra Motiram Sawant & anr. ... Respondents.

V.B.Konda Deshmukh APP for applicant.
None for the respdt.

CORAM; V.G. PALSHIKAR &
SMT.NISHITA MHATRE,JJ.

DATED; 7TH NOVEMBER, 2006.

P.C.;

1. By this application the State impugns the order of acquittal passed by the Additional Sessions Judge, Khed. The learned Judge on marshalling of the facts and appreciation of the evidence came to the conclusion that the prosecution has failed to prove any of the offences with which the accused was charged. It has observed on consideration of the entire evidence on record as under:

"In the light of he above discussion, I find that prosecution's non-explanation of

injuries found on person of accused no.1 and his mother assumes significance, prosecution have suppressed the genesis of crime and they have come out with only partial truth, therefore, gainer is not the prosecution. I cannot go with conjunctures and make out or reconstruct a third case. Prosecution has to prove its own case and stands or fall upon its own case. Eventually, I have no alternate than to hold that the prosecution has failed to prove its case beyond reasonable doubt."

2. It will thus be seen that the learned Judge has properly appreciated the facts and applied the law correctly to those facts. In such circumstances, we see no reason to interfere. Application for leave to appeal rejected.

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